1902-040 Chancery Causes: A. J. Litton &c vs. Sallie McConnell &c
Lee Co.

Rasnick, Cox, Clarkson, Kimberling 1 Plat

CA-Estate Dispute
T-Property

To the Hon. H.A.W. Sheen, Judge of the Circuit Court
For Lee County, Virginia:

Humbly complaining, your orators I.J. Lilton and J.B. Rasenic, sheweth unto the court that Benjamen F. Clarkson was in his life time seized and possessed of two certain tracts or parcels of land lying in the said County of Lee on the south side of Wallens Ridge and described as follows: Tract No. one Beginning on a chestnut on top of Wallens Ridge near a grave yard, thence eastwardly with the top of said ridge to two chestnuts a corner of the H. Barker land in al. the head of a hollow, thence down said hollow to said Barkers north line, thence a due north course with said Barkers line to a chestnut on the Laurel Branch, thence westwardly up said branch to a division corner between Arnold and Travis, thence with said division line passing various corners to the beginning; and containing about 114 acres more or less. Tract No. 2. Beginning on a locust by a spring, thence N 3 E 13 poles to a hickory near a spring, N 47½ E 38 poles, passing between two springs to a gum, thence N 7½ W 20 poles up a small branch to two small birches in said branch, thence southwardly up said branch to a gum on the left side of said branch, thence due South to a stake in P.H. Allens line, thence Southwestwardly with said Allens line to a chestnut, a corner to Goulds land, thence N 7½ E 38 poles to the beginning. The two said tracts of land being the same conveyed by Lockey Ferrill and Anny D. Beasley to the said Benjamen F. Clarkson, and being so seized and possessed, the said Benjamen F. Clarkson, on or about the ____ day of ____ 18__, died intestate, leaving ____ children, and heirs at law, to wit: I.J. Clarkson, John Clarkson, Susan Clarkson, Francis Clarkson Sallie Clarkson, and Elender Clarkson. The said Elender intermarried with one Jacob Kimberling, and the

said Susan, with one , afterwards, to-wit: on the day of 190, the said L. J. Clarkson, John Clarkson and Elender Kimberlin, together with her said husband conveyed by deeds to W. H. Morris a copy of which deeds are hereto filed marked "A", and prays to be treated as a part of this bill, their respective interests in the lands aforesaid; and on the day of 190, the said W. H. Morris conveyed by deed his undivided half interest to your orators, a copy of which last-mentioned deed is hereto filed marked "B", and prayed to be read and treated as a part of this bill.

The said Susan Cox, Francis Clarkson and Sallie Clarkson, now McConnell, are the owners of the other undivided half interest in said lands.

And your orators further state that the said real estate is as they believe, susceptible of partition among the parties entitled thereto; but if it cannot be divided then your orators desire that the same may be sold and the proceeds divided among those entitled thereto. Should the property not be divisible in kind complainants believe and here state that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and sale of the residue.

Forasmuch, therefore, as your orators are remediless in the premises save by the aid of a court of equity, he prays that the said Susan Cox, Francis Clarkson and Sallie McConnell be made parties defendants to this bill and required to answer the same but not on oath, that being waived, that proper process issue that the said real estate be divided among the

parties entitled thereto, or else that it be sold and the proceeds divided in case it be indivisible in kind; that all proper orders and decrees may be made accounts taken and enquiries be directed, and that all such other, further and general relief as in the premises may be just and right may be granted. And your orators will ever pray, etc.

J.C. Noel Jr Sol.

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Pltffs	Costs
Clerk	11.10
Tax	1.50
Shff	3.00
atty	15.00
Comrs	13.00
Printer	5.00
Clerk	2.75
	$51.35

W. J. Gilliam et al.
vs
Bill Graham.

Sallie McConnell et al.

1901. 2nd October Rules
Bill filed & Pa Executed
as to home Defts and
O. P. for non-residents
& Decree Nisi,
" 1st Nov Rules held
the last Monday in
Oct D. N. Confirmed
& Cause Set for hearing

Nov Term 1902 Decree
Final See Order Book
No 7 Pages 193 & 4

A. J. Lilton et al Plffs. } In Chancery.
vs
Sallie McConnell et als, Defts

This cause came on this 14 day of November, 1902, to be finally heard upon the papers formerly filed in this cause, and the report of W. E. Thompson, Miller Shelburne and W. M. Venable, and the plat filed with said report, and was argued by Counsel. And it appearing that said report has been filed more than ten days, and is unexcepted to, it is therefore adjudged, ordered and decreed that the said report and plat be and the same are hereby confirmed and adopted, and that the parties to this suit, take, have and hold the lands assigned to them by said commissioners as shown by said report and plat; that is to say, that said plaintiffs A. J. Lilton and J. B. Rasnick have and hold that part of said lands as shown by the green color on said plat, and bounded as follows, as shown in said report, Beginning at a stake on top of the ridge, near the road and South west of the house, and represented on said plat as (K), N 10 E. 7 poles to a poplar and oak bush by the road, N 41. E 36½

poles to a large Cedar on a hill, N 66 E. 63 poles to a dogwood, sourwood & maple, on a branch, N 22½ E 58 poles to a hickory on Laurel Branch (70) thence up the Branch, N. 57 W. 58 poles to B Lynns (B), thence S 22½ W. 63 poles to a birch in a hollow, thence up said hollow N 70 W. 26 poles to a maple stump, N. 77 W 18 poles to a dogwood and birch, S. 69 W. 33 poles to a hickory, S 51 W 22 poles to a stake, S. 67 W. 11 poles to a gum stump, thence S 13 to a Chestnut; down (K), thence S 57 E. 83 poles to the Beginning; containing 63 acres, more or less. And that the defendants, Sallie McConnell, Susan Cox and Frances Clarkson, take and have Lot no. 2. as shown on said plat and represented by the brown color thereon; and described as follows as shown and described in said report and plat; Beginning Beginning at a stake on top of the ridge (K) corner to Lot no 1, S 57 E 84 poles to a chestnut at the corner of a field, (T), thence down a hollow with Flanary's line, N 86 E. 26 poles to a stake, N 78 E 18 poles to a stake

N 56 E 36 poles to a stake, N 42 E 14 poles to a dogwood near a spring, N. 48 E, 10 poles to a chestnut on the side of a hill (P) on Barker's Old North line, corner to Flannery's land, thence with the original Barker line N 3°, 24'. E. 65 poles, to a birch (sycamore also now marked) corner to B. F. Thompson land, a old Travis corner; thence with said line up the Laurel Branch, N. 57 W. 71 poles to a hickory (P) corner to Lot No. 1; thence with a line of the same S 22½ W 58 poles to a dogwood, sourwood and maple on a branch; S. 66, W 63 poles to a large cedar on a hill, north of the house, S. 41 W. 36½ poles to a small poplar & oak, thence S. 10. W. 7 poles to the Beginning, containing 67 acres, more or less.

Lot No. 2 has a right-to use water from a spring north of the house for family use only.

It is further adjudged, ordered and decreed, that this decree, together with said Commissioners report and plat, be recorded in the office of the County Court

of said County, and that they shall appear at said Court and have the force of deeds conveying said lands to the respective parties, in the manner herein before set out;

It is further adjudged, ordered and decreed that the plaintiffs recover of the defendants one half of their costs expended in this cause, and this cause is ordered stricken from the docket.

Ent. Co. B. 7. P. 143.

Entered this June 14 1902

H. A. C. S. Sloane

Judge.

N. J. Griffin trial
Dec Decree Final
Sallie McConnell Com

A. J. Litton et al Plffs.
vs
Sallie McConnell et al Defts } In Chancery.

This came on this 7 day of Nov. 1901, to be heard upon the complainants bill and the exhibits filed therewith, and was argued by Counsel, and it appearing that the home defendants had been duly served with process for more than 15 days before the first day of this term of the court; and that the non resident defendants have had constructive notice as required by law, by order of publication published for four successive weeks in the Pennington Gap News, a newspaper published in this County. and none of said defendants having appeared to answer or demur to said bill, the same is taken for confessed as to them. It is therefore adjudged ordered and decreed that W. E. Thompson, Milton Shelburn and W. M. Venable who are hereby appointed as special commissions for the purpose, will go upon said lands and divide ~~and assign~~ the same ~~into~~ among those entitled to same according to their respective rights and interests therein. that is to say that they will lay off and assign to the said A. J. Litton and J. B. Rasnick on half of said land in value, and lay off and assign to Sallie McConnel, Susan Cox and Francis Clarkson

each, a one sixth of said land in value.

The said commissioners in dividing and assigning said lands, are required to take into consideration timber, water, accessibility and fertility, and if the same can be done without material injury to the rights of the defendants, the said commissioners will lay off and assign to the said plaintiffs their interest in said lands, adjoining their other lands, and will report their action to this Court; And this cause is continued.

W. J. Gilliam et al
vs
Dicus
Sallie McConnell et al

Entered on Order Book No 7 Page 304

Entered
1-4-1875
Judge

Virginia

At a Circuit Court Continued and held for Lee County at the Court-house thereof. On Thursday November the 7th 1901.

A.J. Litton et al Plaintiffs } In Chancery

vs

Sallie Mcleonnell et als Defendants }

This Cause came on this the 7th day of November 1901. to be heard upon the Complamants bill ## ## ## ## ## ##; It is therefore adjudged, Ordered and decreed that W.E Thompson. Milton Shelburn and W.M. Venable who are hereby appointed as Special Commissioners for the purpose, will go upon the said lands and divide the same among those entitled to the same according to their respective rights and interests therein, that is to say that they will lay off and assign to the said A.J. Litton and J.B. Rasnick one half of said land in Value and lay off assign to Sallie Mcleonnell, Susan Lee and Frances Clarkson each one Sixth of said land in Value

The said Commissioners in dividing and assigning said lands are required to take into consideration, timber, water, accessibility and fertility, and if the same can be done without material injury to the rights of the defendants, the said Commissioners will lay off and assign to the plaintiffs their interests in said land adjoining their other lands, and will report their action to this Court.

And this Cause is Continued

An Abstract Copy.

Teste: A B Munsey Clerk

A. J. Litton et al
vs } Copy of Decree
Sallie McConnell et als

Executed nov 20th by delivering an office Copy of the within to W. M. Venable
W. J. Milehamn. S.L.C.

Executed Nov 23 1901 by Delivering office Copys to the other two named Parties
A. P. Ely D.S.
for W.J. Milehamn
S, L, C

Copies for
W. E. Thompson
Milton Shelburn
W. M. Venable

A. J. Litton et al Plfts. } In Chancery.
vs.

Sallie McConnell et ols. Defts.

To. Hon. H. A. W. Skeene Circuit-Court Judge

Pursuant to a Decree entered at yaur Honors court held on the 7th Day of November 1901 It was ordered decreed that W. E. Thompson Milton Shelburn W. M. Venerable go upon the Lands mentioned in said bill and partition among those entitled to the same according their rights and interest there in also ~~if~~ If it could be done to Lay off and assign to A. J. Litton & J. B. Rasnick one half of said Land ~~land~~ in Value adjoining their other lands Yaur under Signed Commissioners beg leave to report that on day of Jan 1902 They did go upon said lands and made a Survey Locating the Boundary as follows to Wit:— as shown on plat here with

Begining at a chesnut, ½ A, now down Corner to the Hoover land on Top of the ridge thence S. 59 E. 167 po to a ches stump in Low Gap at the Corner of an old field where Flanarys deed calls for 5 chesnuts thence down a hollow with Flanarys Line N. 86 E. 26 po to Stake N. 78 E 18 po to a Stake N. 56 E. 36 po to a Stake N. 42 E. 14 po to a dog wood near a Spring at the Forks of the Hollow N. 48 E. 10 po to a large chesnut on the side of a hill on the Barker line (P) thence with said line N. 3 E. 65 po to (H)

a Birch & Chesnut on the Laurel Branch Corner to B.F. Thompson Travis land thence up the Branch with said Thompsons line N. 59. W. 129 po to 3 Lyns passing a corner of Thompsons land 9 po. Thence Leaving Said Branch S. 22½ W. 63 po to a birch ~~in~~ the hollow then up said hollow N. 70 W. 26 po to a maple Stump N. 77. W. 18 po to a dogwood and a Birch S. 69. W. 33 po to a hickory S. 61. W. 22 po to a Stake S. 67 W. 11 po to a Gum Stump then S. 13 po to the begining Containing 130 acres More or Less. —— —

Your honorable commissions did lay off and assign to A.J. Litton and J. B. Rasnick one half in value of said lands as Shown on plat No 1 Color Green. adjoining their other Lands and bounded as follows to Wit: Begining at a Stake on Top of the Ridge near the Road South west of the House as Shown at (K) N. 10 E. 7 po to a popular and oak bush By the road N. 41. E. 36½ po to a Large Cedar on a hill N. 66 E. 63 po to a Dogwood Saw wood & maple on a branch N. 22½ E. 58 po to a Hickory on the Laurel Branch (W) thence up the Branch N. 59 W. 58 po to 3 Lyns. (B) then S. 22½ W. 63 po to Birch in the Hollow thence up said hollow N. 70 W. 26 po to a maple stump N. 77 W. 18 po to dog wood and Birch S. 69. W. 33 po to a Hickory S. 51 W. 22 po to a a Stake

S. 67 W. 11 po to a Gum Stump Then S. 13 po to a ches down at ⅓ A on plot thence S. 59 E. 83 po to the Beginning (K) Containing 63. A. More or Less.

Lot No 2 was assigned to The Heirs of Clarkston that is Sallie McConnel Susan Cox & Frances Clarkston and Bounded as follows. Begining at a stake on Top of the Ridge as shown on plot. at (K) Corner to Lot No 1 S. 59. E. 84 po to a ches Shop at the corner of a field at (T) then down a hollow with Flanars Line N. 86. E. 26 po Stake N. 78. E. 18 po to a stake N. 56. E. 36 po to a stake N. 42 E. 14 po to a Dogwood near a spring N. 48. E. 10 po to a ches on the side of a hill (P) on Barkers old North Line corner to Flanarys Land. Then with the original Barker Line N. 3° 24 Min E, 65 po to a Birch (Sycamore also now marked) Corner to B. F. Thompson Land (old) or Travis Corner. Then with Said Line up the Laurel Branch. N. 59. W. 71 po to a Hickory at (W) Corner to Lot No 1 Then with a Line of the Same S. 22½. W. 58 po to a Dogwood. Down Wood & maple on a Branch S. 66 W 63 po to a Large Cedar on a Hill North of the House. S. 41. W. 36½ po to a small popular & oak. Then S. 10. W. 7 po to a Stake Begining. Containing 67 acres

More or Less. This Lot No 2 has a right-to use water from a spring North of the House for Family use only all of which is Respectfully Submitted

Signed W. W. Venable. Com
Milton Shelburn. Com
W. E. Thompson Com't Surveyor

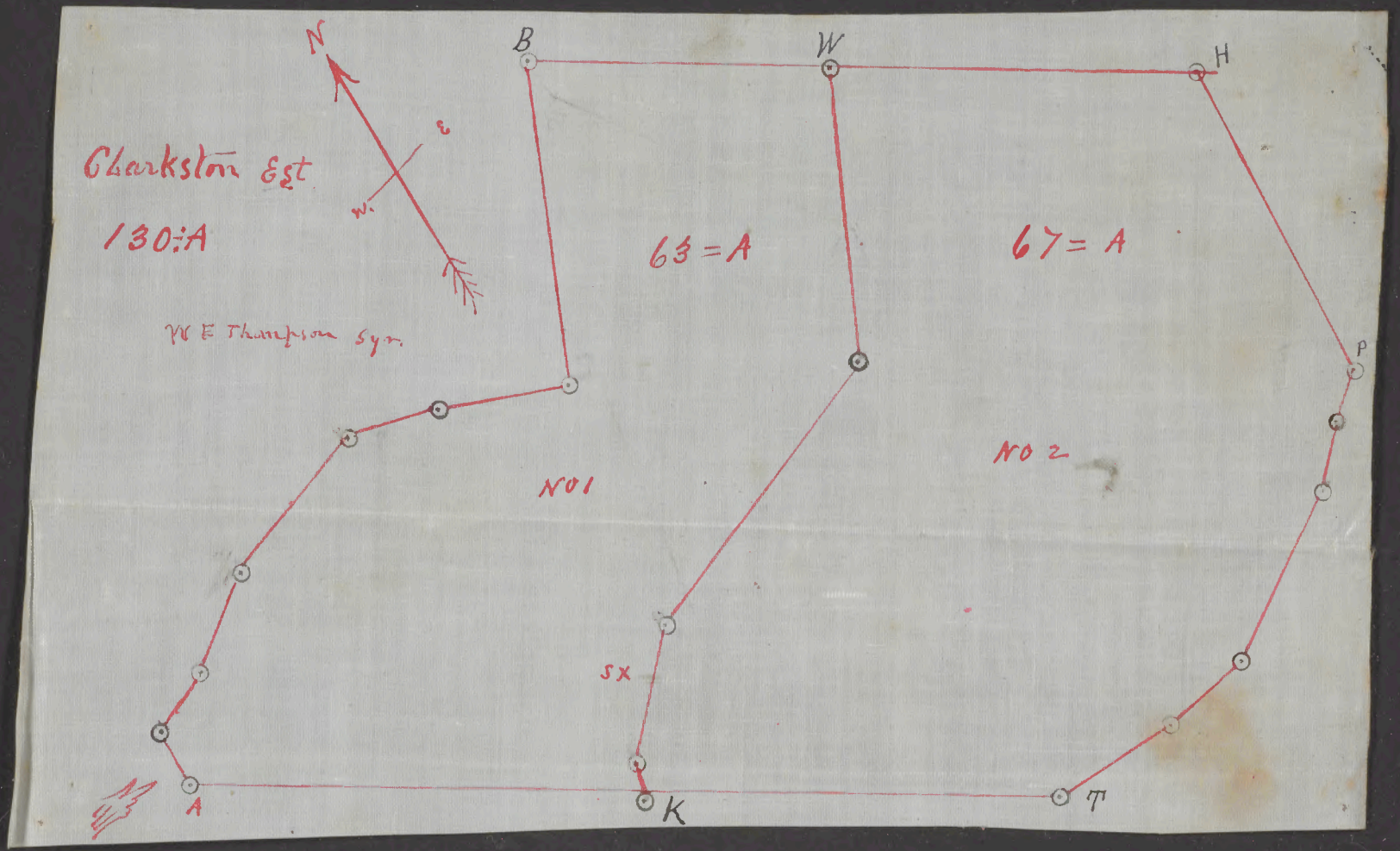
Comm. Report

A. J. Litton et als
vs
Sallie McConnell et al

Filed June the 13th 1902
J. P. Mooney Clerk

Cost

W. E. Thompson Surv. Paid 5.00
W. W. Venable " 4.00
Milton Shelburn 4.00
$13.00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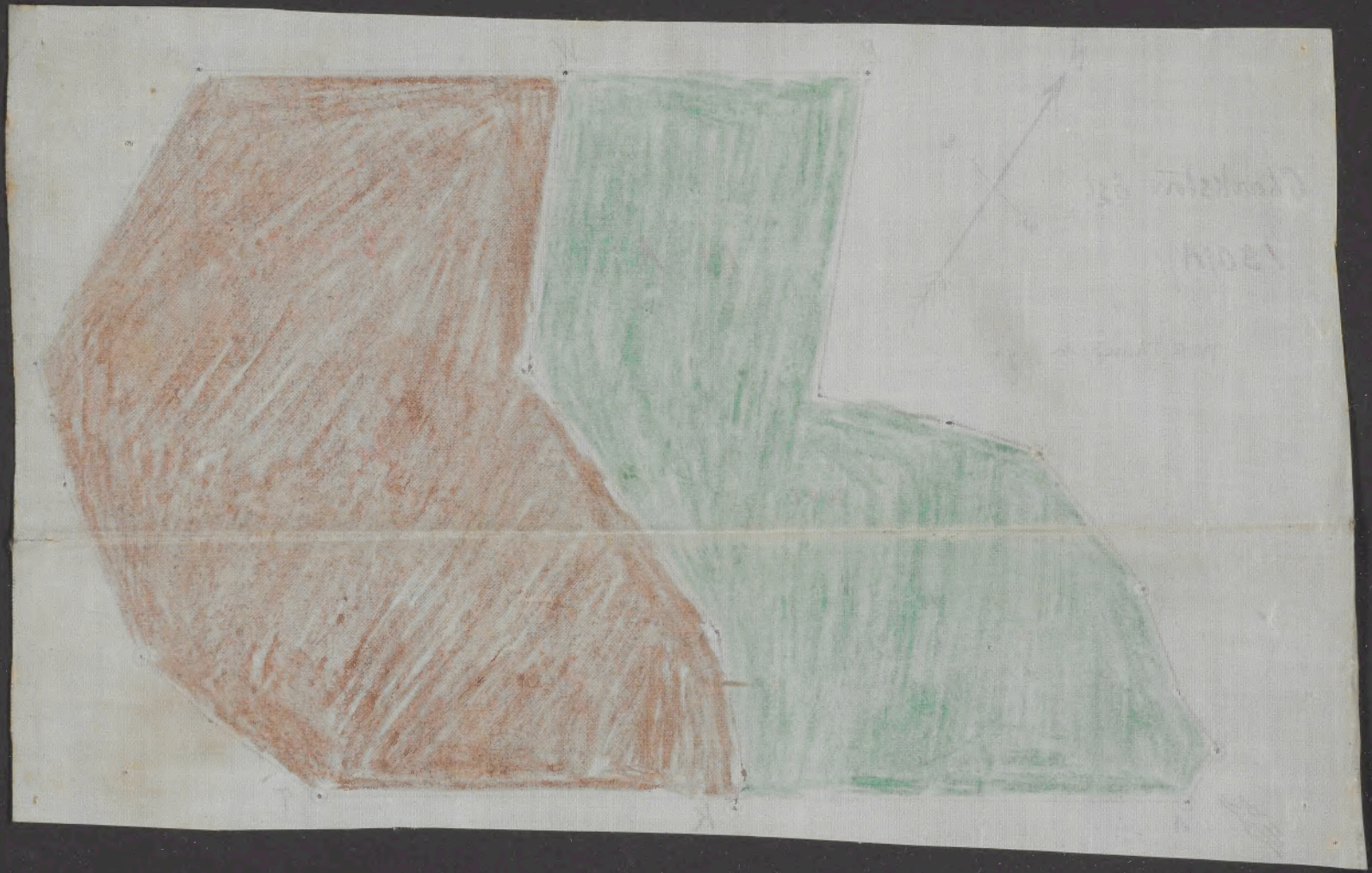

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 302.

In the Clerk's Office of the Circuit Court of the County of Lee

A. J. Litton & J. B. Rasnick Plaintiffs, against Susan Cox et als Defendants. } In Chancery

This day J. C. Nail personally appeared before me A. B. Munsey Clerk of the said Court, and being duly sworn, made oath that Susan Cox and Francis Clarkson defendants in the said suit are not residents of the State of Virginia,

Given under my hand as Clerk of the said Court, this 20th day of September 1901.

A B Munsey Clerk

Form No. 302.

A. J. Litton et al

vs. { AFFIDAVIT FOR ORDER OF PUBLICATION.

Susan Cox et als

J. L. Noel p. q.

Filed Sept 20th 1901
A B Munsey Clerk

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 301.

In the Clerk's Office of the Circuit Court of the County of Lee on the 20th day of September 1901.

A. J. Litton & J. B. Rasnick Plaintiffs,
against
Susan Cox et als Defendants.
In Chancery

The object of this suit is to partition the tract of land in the bill and proceedings mentioned, among those entitled thereto

And an affidavit having been made and filed that the defendant Susan Cox and Francis Clarkson not resident of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof, be published once a week for four weeks in the Pennington Gap News, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the ~~Circuit~~ Circuit Court.

A copy—Teste:

J. L. Noel p. q. A. B. Munsey Clerk.

FORM No. 301.

A. J. Litton et als

vs. } ORDER OF PUBLICATION.

Susan Cox et als

Virginia Lee County to wit
I A. B. Munsey Clerk of the Circuit Court for Lee County do hereby Certify that I posted a copy of the within order of Publication at the front door of the Court-house of Lee County on the first day of the October Term of said Court Given under my hand this the 21st day of October 1901
A. B. Munsey Clerk

CERTIFICATE.

I hereby certify that the within Legal notice was published four consecutive weeks in the PENNINGTON GAP NEWS, a weekly News paper published in this State, beginniug sept 26. and ending October the 18th 1901.

W K Hopkins Ed.

Fee $5-00

IN THE CLERK.S OFFICE OF THE CIRCUIT COURT of the county of Lee on the 20th day of September 1891.

A. J. Litton & J. Rasnick, Plaintifis,
vs In Chancery.
Susan Cox et als, Defendants.

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A copy——Teste :
J. C. Noel p. q.

A. B. Muncy Clerk.